

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X		
RONALD JENKINS,	:	
	:	
Plaintiff,	:	Civil Action No.
	:	
v.	:	
	:	NOTICE OF REMOVAL
SINGAPORE AIRLINES LIMITED,	:	
	:	
Defendant.	:	
----- X		

Defendant SINGAPORE AIRLINES LIMITED (hereinafter “SINGAPORE”), by and through its attorneys, Condon & Forsyth LLP, hereby removes this civil action bearing Index No. 157916/16, from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. §§ 1331, 1332 and 1441.

1. This action was commenced against SINGAPORE in the Supreme Court of the State of New York, County of New York, by the filing of a Summons and Complaint on or about September 21, 2016. Service of the Summons and Complaint was effected on SINGAPORE through the Secretary of State on or about October 31, 2016. Copies of the Summons and Complaint are annexed hereto as Exhibit “A.” Upon information and belief, no further proceedings have been had in the action.

2. The Complaint seeks damages for personal injuries allegedly sustained by plaintiff on board Singapore Airlines flight 26 from Singapore to Frankfurt on June 16, 2015.

3. This Court has original jurisdiction of the above described action pursuant to 28 U.S.C. § 1332 based upon diversity of citizenship because the parties are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

4. The citizenship of the parties is as follows:

- a) Upon information and belief, plaintiff is a citizen of the State of New York and is a resident of the County of New York, City of New York.
- b) Defendant SINGAPORE is a foreign corporation duly organized and existing by virtue of the laws of the Republic of Singapore with its principal place of business in Singapore.

5. Additionally, upon information and belief, the transportation out of which the subject matter of this action arose was “international carriage” within the meaning of a treaty of the United States known as the Convention for the Unification of Certain Rules Relating to International Transportation by Air, concluded at Montreal, Canada on May 18, 1999, reprinted in S. Treaty Doc. 106-45, CCH Av. L. Rep ¶ 27,400-59, 1999 WL 33292734 (1999) (“Montreal Convention”), and the rights of the parties to this action are governed by the provisions of said Montreal Convention. Accordingly, this Court has original jurisdiction over this action because of the existence of a federal question pursuant to 28 U.S.C. § 1331 and the action is one that may be removed pursuant to 28 U.S.C. § 1441.

6. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is filed in the United States District Court for the Southern District of New York, which is the district in which the civil court action is pending.

7. This Notice of Removal is timely filed with this Court, pursuant to 28 U.S.C. § 1446(b).


8. Defendant will promptly file a copy of the Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of New York, as required by 28 U.S.C. § 1446(d).

9. Defendant will promptly give written notice of the filing of this Notice of Removal to all adverse parties as required by 28 U.S.C. § 1446(d)

WHEREFORE, defendant SINGAPORE AIRLINES LIMITED prays that the above-entitled action now pending in the Supreme Court of the State of New York, County of Nassau, be removed therefrom to this Court.

Dated: November 21, 2016
New York, New York

CONDON & FORSYTH LLP

By 
Bartholomew J. Banino (BB 4164)
bbanino@condonlaw.com
Allison M. Surcouf (AS 8639)
asurcouf@condonlaw.com
7 Times Square
New York, New York 10036
(212) 490-9100

Attorneys for Defendant
SINGAPORE AIRLINES LIMITED

To: Raymond Schwartzberg & Associates, PLLC
1412 Broadway, Suite 1100A
New York, NY 10018
(212) 687-1737
Attorneys for Plaintiff
Ronald Jenkins

Clerk of the Supreme Court
Supreme Court of the State of New York
County of New York
60 Centre Street
New York, New York 10007
Index No. 157916/16

EXHIBIT A

FILED: NEW YORK COUNTY CLERK 11/07/2016 12:51 PM

INDEX NO. 157916/2016

NYSCEF DOC. NO. 3

RECEIVED NYSCEF: 11/07/2016

AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE

Index # 157916/2016

Purchased/Filed:

STATE OF NEW YORK

SUPREME COURT

NEW YORK COUNTY

Ronald Jenkins

Plaintiff

against

Singapore Airlines Limited

Defendant

STATE OF NEW YORK
COUNTY OF ALBANY

SS.:

James Perone, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on October 31, 2016, at 9:15am, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Notice of Commencement of Action Subject to Mandatory Electronic Filing with Summons and Complaint on

Singapore Airlines Limited, the

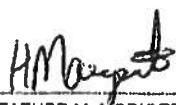
Defendant in this action, by delivering to and leaving with Sue Zouky AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service deponent paid said Secretary of State a fee of 40 dollars. That said service was made pursuant to Section 306 Business Corporation Law.

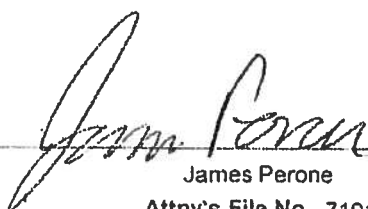
Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 55 Approx. Wt: 125lbs Approx. Ht: 5'1
Color of skin: White Hair color: Red/Blonde Sex: Female Other: _____

Sworn to before me on this

31st day of October, 2016


HEATHER M. MORIGERATO
NOTARY PUBLIC, State of New York
NO. 01MO8261464, Albany County
Commission Expires May 14, 2020


James Perone
Attny's File No. 7191
Invoice/Work Order # SP1614327

SERVICO, INC. - PO Box 871 - ALBANY, NEW YORK 12201 - PH 518-463-4179

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

----- x
Ronald Jenkins

Plaintiff/Petitioner,

-against-

Index No. 157916/2016

Singapore Airlines Limited

----- x
Defendant/Respondent.

**NOTICE OF COMMENCEMENT OF ACTION
SUBJECT TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

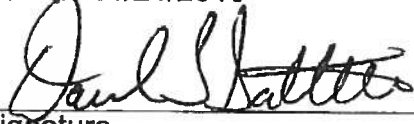
Parties represented by an attorney: An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the e-filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

Parties not represented by an attorney: Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant may participate in e-filing.

For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit www.nycourts.gov/efileunrepresented. Unrepresented litigants also are encouraged to visit www.nycourthelp.gov or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: 09/21/2016


Signature

RAYMOND B SCHWARTZBERG *by Daniel Saltus*
Name

Raymond Schwartzberg & Assoc.
Firm Name

1412 Broadway, Suite 1100A
Address

New York, NY 10018
City, State, and Zip

212-687-1737
Phone

rs6667@earthlink.net
E-Mail

To: *Singapore Airlines Limited*
cto Alan Lim
55 E. 59th St., Ste 19B
New York, NY 10022

Singapore Airlines Limited
cto Ian Lorigan
55 E. 59th St., Ste. 20B
New York, NY 10022-1112

9/3/15

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Index No. 157916/2016

-----X
RONALD JENKINS,

Plaintiff designates
NEW YORK
County as the place of trial

Plaintiff,

The basis of the venue is
Defendant's Place of Business

-against-

SUMMONS

SINGAPORE AIRLINES LIMITED

Plaintiff resides at
206 Alma Drive
Fairfield, CT 06824


Defendant.

-----X County of Fairfield

To the above named Defendants

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
September 21, 2016


RAYMOND SCHWARTZBERG &
ASSOCIATES, PLLC
Attorneys for Plaintiff
1412 Broadway, Suite 1100A
New York, NY 10018
(212) 687-1737
File No. 7191

Defendant's Address:

SINGAPORE AIRLINES
c/o Alan Lim
55 East 59th Street, Suite 19B
New York, NY 10022

SINGAPORE AIRLINES
c/o Ian Lorigan
55 East 59th Street, Suite 20B
New York, NY 10022-1112

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
RONALD JENKINS

Index No. 157916/2016

Plaintiff,

COMPLAINT

-against-

SINGAPORE AIRLINES LIMITED,
Defendant.
-----X

Plaintiff, RONALD JENKINS, by his attorney, RAYMOND SCHWARTZBERG, ESQ.,
complaining of the Defendants respectfully alleges:

1. Plaintiff was and is a resident of the City and County of Fairfield, State of Connecticut.
2. At all times herein mentioned, the Defendant SINGAPORE AIRLINES LIMITED was and still is a foreign business corporation duly organized under the laws of the Country of Singapore.
3. At all times herein mentioned, the Defendant SINGAPORE AIRLINES LIMITED was and is authorized to do business in the State of New York.
4. At all times herein mentioned the Defendant SINGAPORE AIRLINES LIMITED operated the business of an airline open to the public.
5. On or about June 16, 2015 the Plaintiff RONALD JENKINS was a passenger on an airplane in flight operated by Defendant SINGAPORE AIRLINES.
6. At all times herein mentioned the Defendant SINGAPORE AIRLINES LIMITED owned the airplane on which Plaintiff RONALD JENKINS was a passenger.
7. At all times herein mentioned, the Defendant SINGAPORE AIRLINES LIMITED employed flight attendants and other personnel who were present on the airplane in

which Plaintiff RONALD JENKINS was a passenger.

8. At all times herein mentioned, the Defendant SINGAPORE AIRLINES LIMITED was in possession and control of the airplane on which Plaintiff RONALD JENKINS was a passenger.

9. At all times herein mentioned, the Defendant SINGAPORE AIRLINES LIMITED was in possession and control of all the instrumentalities of the airplane on which Plaintiff RONALD JENKINS was a passenger.

10. On or about June 16, 2015, the Plaintiff RONALD JENKINS was caused to sustain serious personal injuries when a heavy metal object dropped and was caused to fall on to Plaintiff RONALD JENKINS by the Defendant, by its agents, servants and/or employees including but not limited to its flight attendants, while he was a passenger on the airplane, owned and controlled by the Defendant SINGAPORE AIRLINES LIMITED.


11. Said occurrence was due solely to the carelessness, negligence and/or recklessness of the Defendant.

12. By reason of the foregoing, the Plaintiff RONALD JENKINS was caused to sustain severe, permanent and serious injuries, and was caused to sustain medical and hospital expenses in the past, present and future. The Plaintiff was caused to sustain great pain and suffering in the past, present and future, all to her damage in the amount of EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00).

WHEREFORE, Plaintiff demands judgment against the Defendants in the sum of EIGHT HUNDRED THOUSAND DOLLARS (\$800,000.00) together with interest from June 16, 2015 and the costs and disbursements of this action.

DATED: New York, New York
September 21, 2016

Yours, etc.


RAYMOND B. SCHWARTZBERG
Attorney for Plaintiff
1412 Broadway, Suite 1100A
New York, NY 10018
212-687-1737
File No. 7065

Index No. 157916

Year 2016

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

RONALD JENKINS,

Plaintiffs,

-against-

SINGAPORE AIRLINES LIMITED,

Defendants.

SUMMONS AND COMPLAINT

RAYMOND SCHWARTZBERG & ASSOCIATES, PLLC

Attorney for Plaintiff
60 East 42nd Street, Room 2316
New York, New York 10165
(212) 687-1737

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the County of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: September 21, 2016

Signature [Signature]

Print Signer's Name Daniel T. Saltz

Service of a copy of the within

Dated: 2

is hereby admitted.

Attorney(s) for

PLEASE TAKE NOTICE

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

☐ NOTICE OF SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement
to the Hon. _____
Court, at _____, at _____
on _____ M.

Dated:


RAYMOND SCHWARTZBERG & ASSOCIATES, PLLC
Attorney for Plaintiff
60 East 42nd Street, #2316
New York, New York 10165
(212) 687-1737

TO:


AFFIDAVIT OF SERVICE

I, THERESA WHITMAN, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) herein below specified via United States Postal Service, to the following address(es):

Raymond Schwartzberg & Associates, PLLC
1412 Broadway, Suite 1100A
New York, NY 10018


Theresa Whitman

Sworn to before me this
21st day of November, 2016


Notary Public

MARIA PAGAN
Notary Public, State of New York
No. 01PA4670337
Qualified in Queens County
Commission Expires 10/31/18